

**Introduced by Senator Huff**

February 24, 2009

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An act to add and repeal Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, relating to public schools.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 266, as introduced, Huff. Public schools: open enrollment.

(1) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to adopt a resolution to become a school district of choice, as defined, and accept interdistrict pupil transfers.

This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than the ones in which they reside. The bill would require the State Board of Education to promulgate an enrollment options program in which the parent of a pupil wishing to attend a school in a nonresident school district would submit an application for a particular school year to the nonresident school district on a form provided by, and on or before a deadline established by, the state board. The bill would require a school district to adopt specific, written standards for acceptance and rejection of applications for enrollment. Within 60 days of receiving an application for enrollment, the bill would require a nonresident school district to notify the applicant parent and the resident school district in writing whether the application has been accepted or rejected and state in the notification the reasons for the rejection. The bill would require

that the average daily attendance for pupils enrolled in a nonresident school district, pursuant to the bill, be credited to the nonresident school district pursuant to a specified statute. These provisions would become operative at the beginning of the 2010–11 school year, become inoperative on July 1, 2020, and would be repealed on January 1, 2021.

By requiring school districts to enroll and provide services to nonresident pupils, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10 (commencing with Section 48350) is  
2 added to Chapter 2 of Part 27 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 10. Open Enrollment Act

6  
7 48350. This article shall be known, and may be cited, as the  
8 Open Enrollment Act.

9 48351. The purpose of this article is to improve educational  
10 achievement and to enhance the opportunity for parental choice  
11 in education by providing additional options to pupils in the state  
12 to enroll in public schools in school districts throughout the state  
13 without regard to pupil residence.

14 48352. For purposes of this article, the following definitions  
15 apply:

16 (a) “School” means a school that is operated by a school district  
17 and that provides elementary or secondary education in accordance  
18 with state law.

19 (b) “Parent” means the natural or adoptive parent or guardian  
20 of a dependent child.

1 48353. The state board shall promulgate an enrollment options  
2 program to enable pupils residing in the state to attend public  
3 schools in school districts other than the ones in which they reside.

4 48354. (a) The parent of a pupil wishing to attend a school in  
5 a nonresident school district shall submit an application for a  
6 particular school year to the nonresident school district on a form  
7 provided by, and on or before a deadline established by, the state  
8 board. The parent may request a particular school within the  
9 nonresident school district.

10 (b) The nonresident school district may waive the deadline  
11 established by the state board pursuant to subdivision (a).

12 48355. A school district under a court order regarding  
13 desegregation shall ensure compliance with desegregation plans.

14 48356. (a) A school district shall adopt specific, written  
15 standards for acceptance and rejection of applications pursuant to  
16 this article. The standards may include consideration of the capacity  
17 of a program, class, grade level, or school building. Subject to  
18 subdivision (b), and except as necessary in accordance with Section  
19 48355, the standards shall not include consideration of a pupil's  
20 previous academic achievement, physical condition, proficiency  
21 in the English language, sex, national origin, or race.

22 (b) In considering an application pursuant to this article, a  
23 nonresident school district may apply its usual requirements for  
24 admission to a magnet school or a program designed to serve gifted  
25 and talented pupils.

26 (c) Subject to the rules and standards that apply to pupils who  
27 reside in the nonresident school district, a nonresident pupil who  
28 is enrolled in one of the district's schools pursuant to this article  
29 shall only be required to submit a renewed application in order to  
30 remain enrolled if one of the following occurs:

31 (1) The pupil graduates.

32 (2) The pupil is no longer a California resident.

33 (3) The pupil is expelled from school.

34 (4) The nonresident school district determines that resident  
35 enrollment within the school will exceed the capacity of a program,  
36 class, grade level, or school building of the school.

37 (d) The determination of which nonresident pupils to exclude  
38 from continued enrollment in a nonresident school district during  
39 a subsequent year shall be based upon the length of time a pupil  
40 is enrolled in the school in question, with pupils enrolled most

1 recently excluded first, and the use of a lottery system when  
2 multiple nonresident pupils have been enrolled for the same number  
3 of schooldays in the school.

4 48357. Within 60 days of receiving an application pursuant to  
5 Section 48354, a nonresident school district shall notify the  
6 applicant parent and the resident school district in writing whether  
7 the application has been accepted or rejected. If an application is  
8 rejected, the nonresident school district shall state in the notification  
9 the reasons for the rejection.

10 48358. A nonresident school district that enrolls a pupil  
11 pursuant to this article shall accept credits toward graduation that  
12 were awarded to the pupil by another school district and shall  
13 graduate the pupil if the pupil meets the graduation requirements  
14 of the nonresident school district.

15 48359. (a) The average daily attendance for pupils enrolled  
16 in a nonresident school district pursuant to this article shall be  
17 credited to the nonresident school district pursuant to Section  
18 46607. The attendance report of the nonresident school district  
19 may include an identification of the school district of residence  
20 for pupils enrolled pursuant to this article.

21 (b) Notwithstanding any other provision of law, state aid for  
22 categorical education programs for pupils enrolled in a nonresident  
23 school district pursuant to this article shall be apportioned to the  
24 nonresident school district.

25 (c) For a nonresident school district that is a basic aid school  
26 district, the Superintendent shall calculate an apportionment of  
27 state funds that provides 70 percent of the district revenue limit  
28 calculated pursuant to Section 42238 that would have been  
29 apportioned to the school district of residence for any average daily  
30 attendance credited pursuant to this section. For purposes of this  
31 subdivision, the term “basic aid school district” means a school  
32 district that does not receive an apportionment of state funds  
33 pursuant to subdivision (h) of Section 42238 for any fiscal year in  
34 which this subdivision may apply.

35 (d) The State Allocation Board shall develop procedures to  
36 ensure that the average daily attendance of pupils admitted by a  
37 nonresident school district pursuant to this article shall be credited  
38 to that school district for purposes of a determination under Article  
39 2 (commencing with Section 17010) of Chapter 12 of Part 10 of

1 Division 1 of Title 1 that utilizes an average daily attendance  
2 calculation.

3 48360. (a) Each school district is encouraged to keep an  
4 accounting of all requests made for alternative attendance pursuant  
5 to this article and records of all disposition of those requests that  
6 may include, but are not limited to, all of the following:

7 (1) The number of requests granted, denied, or withdrawn. In  
8 the case of denied requests, the records may indicate the reasons  
9 for the denials.

10 (2) The number of pupils who transfer out of the district.

11 (3) The number of pupils who transfer into the district.

12 (b) The information maintained pursuant to subdivision (a) may  
13 be reported to the governing board of the school district at a  
14 regularly scheduled meeting of the governing board.

15 48361. This article shall become operative at the beginning of  
16 the 2010–11 school year.

17 48362. This article shall become inoperative on July 1, 2020,  
18 and, as of January 1, 2021, is repealed, unless a later enacted  
19 statute, that becomes operative on or before January 1, 2021,  
20 deletes or extends the dates on which it becomes inoperative and  
21 is repealed.

22 SEC. 2. The provisions of this act are severable. If any  
23 provision of this act or its application is held invalid, that invalidity  
24 shall not affect other provisions or applications that can be given  
25 effect without the invalid provision or application.

26 SEC. 3. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.